

REMARKS

This is intended as a full and complete response to the Final Office Action dated August 18, 2008, having a shortened statutory period for response set to expire on November 18, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraph [0001] has been amended to correct minor editorial problems.

Claims 7 and 9-15 are pending in the application. Claims 7 and 9-15 remain pending following entry of this response.

Specification Objections

Specification is objected to because of the following informalities: Page 1, [0001] is objected to because it contains attorney's docket number of a co-pending application. Correction is required. See MPEP 608.01. The specification has been amended to correct the informalities as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Objection

Claim 7 is objected to because of the following informalities: claim 7 should be rewritten with all changes shown; e.g., the deleted matter, "wherein the configuration tools further" must be shown by strike-through. Claim 7 has been rewritten with all changes shown to correct the informalities as suggested by the Examiner. Applicants submit that the amendments do not introduce new matter. Accordingly, Applicants respectfully request withdrawal of the objection.

Double Patenting Rejection

Claim 7 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of copending Application No. 11/325,371.

Applicants acknowledge the double patenting rejection and respectfully request that the rejection be held in abeyance because (i) no claim in the present application is currently allowable and (ii) the application on which the rejection is made has not issued. Because it is possible that no claims will issue, or that the claims of the present application will be amended in such a way to overcome the Examiner's concerns regarding double patenting, Applicants defer responding until the present rejection ripens into an actual double patenting rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 7 and 9-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Bays et al.* (US Patent 6,519,603, hereinafter *Bays*).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Bays* does not disclose "each and every element as set forth in the claim". For example, *Bays* does not disclose annotation fields that "store metadata used to index an annotation according to the indexing mechanism associated with the respective application." The Examiner argues that *Bays* discloses this limitation at col. 2, lines 29-37 and col.3, lines 48-58. Specifically, the Examiner states:

Bays discloses . . . wherein one or more of the annotation fields store metadata used to index an annotation according to the indexing mechanism associated with the respective application (the annotation is associated with the annotatable data item at the time of entry by including pointer information to the annotatable data item with the annotation.

Office Action, pages 5-6 (emphasis original) (citations omitted). Respectfully, this portion of *Bays*, and in fact the reference as a whole, discloses no such indexing mechanism. The portion of *Bays* cited to by the Examiner reads:

The annotations, together with the pointer information that relates them to the original database material, may be stored in a separate source so that the data model and operation of the sources containing the original database material is not affected. It is the pointer information that allows formulation of the queries to retrieve either annotations related to specific database material or database material related to specific annotations.

. . . .

For annotation entry, an annotatable data item is chosen (e.g. a 5th cell in column y of spreadsheet z) and an annotation is entered and stored. The annotation is associated with the annotatable data item at the time of entry by including pointer information to the annotatable data item with the annotation. Optionally, the annotation may be “propagated” or automatically associated with additional annotatable data items using extra information defined in the registration step. Once annotations have been stored, queries may be issued to retrieve both the annotation content and/or the database material.

Bays, col. 2, lines 29-37 and col. 3, lines 48-58. Specifically, the Examiner appears to analogize “storing pointer information relating annotations to objects being annotated” with an “indexing mechanism.” Respectfully, whether pointer information is used or not, associating annotations with objects being annotated is not the same as indexing annotations with an indexing mechanism. Associating an annotation with the object being annotated merely allows one to know what is being annotated by the annotation. *Bays* simply does not disclose any “indexing mechanism” used to index annotations. On this basis alone, Applicants submit that the rejection is defective and should be withdrawn.

Even more significant is the fact that *Bays* discloses nothing regarding annotation fields that store metadata used to index an annotation according to the indexing mechanism. Applicants disclose annotation fields that store metadata used to index an annotation. Referring to the language quoted above, the Examiner seems to suggest that “pointer information [relating annotations to the object being annotated]” teaches this limitation. Respectfully, “pointer information [relating annotations to the object being annotated]” does not teach “annotation fields that store metadata used to index an annotation.” The pointer information in *Bays* is nothing more than what associates an annotation and an object being annotated. In contrast, Applicants disclose annotation fields that store metadata (*additional information* about the respective annotation) that is

then used by an indexing mechanism to index annotations. *Bays* discloses nothing of the sort. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Still more significant is the fact that *Bays* discloses nothing regarding annotation fields that store metadata used to index an annotation according to an indexing mechanism that is application-specific. Applicants disclose annotations that are indexed according to application-specific indexing mechanisms. Referring once again to the language quoted above, while the Examiner identifies various aspects of *Bays*, nowhere does the Examiner suggest that *Bays* teaches indexing annotations according to an application-specific indexing mechanism. See, e.g., Office Action, page 6. Since the Examiner does not identify a teaching in the reference for this limitation, Applicants respectfully submit that the rejection is defective and should be withdrawn.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 698-4286, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants